

USDC SDNY
DOCUMENT -
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/5/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONCORD CAPITAL MANAGEMENT, LLC,
on behalf of the Concord Life Insurance Plan,

Plaintiff,

Case No.: 11-civ-8864

v.

ECF Case

THE NORTHWESTERN LIFE INSURANCE
COMPANY, EARLE H. JOHNSON, MICHAEL J.
MULLARNEY, ELLEN S. SINGER, John and Jane
Does 1-10, and XYZ Corps., 1-10

Defendants.

STIPULATION OF DISMISSAL WITH PREJUDICE

WHEREAS, pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1), parties to litigation may, by stipulation, dismiss claims with prejudice and such stipulation shall effect a dismissal with prejudice of those claims; and

WHEREAS, the parties to this the above-captioned matter (the "Action") have resolved to dismiss the Action with prejudice in accordance with the provisions of the "Settlement Agreement and Release" entered into among the parties;

NOW, THEREFORE, all parties, by and through their respective attorneys, hereby
STIPULATE to:

(1) Voluntarily dismiss this Action with prejudice with respect to all claims asserted within this Action.

(2) All parties shall bear their own costs and expenses incurred in connection with the Action, except as may be expressly provided otherwise within the Settlement Agreement and Release.

IT IS FURTHER HEREBY STIPULATED AND AGREED that this Stipulation may be executed in counterparts and that such shall have the same force and effect as original signatures.

IT IS FURTHER HEREBY STIPULATED AND AGREED that for the purposes of this Stipulation, facsimile or electronic signatures shall be deemed to have the same force and effect as originals.

Dated: New York, New York
March 4, 2013

KASOWITZ, BENSON, TORRES &
FRIEDMAN, LLP
Attorneys for Plaintiff

HEATON TRIAL LAW, S.C.
*Attorneys for Northwestern
Mutual Life Insurance Company*

By: 

Joseph A. Piesco, Esq.
1633 Broadway
New York, New York 10019
Tel. (212) 506-1955
Fax (212) 500-3455
JPiesco@kasowitz.com

By:  3/4/2013

Paul F. Heaton, Esq.
780 North Water Street
Milwaukee, WI 53202
(414) 287-9601
(414) 224-6116 (fax)
PHeaton@gklaw.com


WINGET, SPADAFORA &
SCHWARTZBERG, LLP
Attorneys for Defendants
*Earle H. Johnson, Michael J.
Mullarney and Ellen S. Singer*

By: 

William G. Winget, Esq.
Maureen B. Godfrey, Esq.
45 Broadway, 19th Floor
New York, NY 10006
(212) 221-6900
winget.w@wssllp.com
godfrey.m@wssllp.com

SO ORDERED:

3/4/13



HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE